

REMARKS

Claims 1, 7, 9, 21 – 22, 24 – 25, 29 – 30, 36, 38, 49 – 50, 52, 53 and 59 have been amended.

Claims 1 - 59 are present in the subject application.

In the Office Action dated August 11, 2004, the Examiner has rejected claims 1 - 59 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

The Examiner has rejected 1, 2, 6 – 11, 17 – 25, 27 – 31, 35 – 40, 46 – 54 and 57 – 59 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,289,325 (Nakamura et al.) in view of U.S. Patent Application Publication No. 2001/0044787 (Shwartz et al.). Briefly, the present invention is directed toward a system that enables tender of payment manually (e.g., cash, check, etc.) for transactions conducted over a network (e.g., the Internet). The system includes one or more computer systems each located at a corresponding agent site, one or more merchant systems and a server computer system in communication with the agent and merchant systems. The server system accesses the appropriate merchant network or web site in response to transaction selection information received from the agent system, and translates those web pages for transmission to the agent system. The server computer system further receives the required transaction information from the agent system and processes the transaction information for transference to the particular merchant web site. In addition, the server system enters credit card information of a provider of the transaction service within the transaction payment information for transference to the merchant system in order to tender payment for the network transaction.

The Examiner takes the position that the Nakamura et al. patent discloses all the features within the claims except for a transaction information module to transmit an information request to an agent processor requesting a portion of required information and a transaction performance

module to receive customer transaction information from the agent processor in response to the information request and to transmit the required information portion and payment information associated with a third party to the particular provider processing system in order to conduct a transaction. The Examiner further alleges that the Shwartz et al. publication discloses these features and that it would have been obvious to combine the Nakamura et al. patent and Shwartz et al. publication to attain the claimed invention.

This rejection is respectfully traversed since the Nakamura et al. patent and Shwartz et al. publication do not disclose, teach or suggest, either alone or in combination, at least the features of processing a customer payment manually tendered at the remote site for a customer selected transaction. Basically, the present invention is directed toward a system that enables users to tender payment manually (e.g., cash, check, etc.) at a remote site for transactions conducted over a network. By way of example only, the present invention may enable a user to visit a physical remote site of a service provider and purchase an item over the Internet by paying cash to the service provider at that site. The present invention system examines the desired web site for the purchase to determine required information, requests the required information from the user and provides the required information and credit card or other payment information of the service provider to the web site to conduct the transaction. Thus, the transaction may be conducted without a pre-arranged relationship between the user and service provider and without the user having credit cards or even owning a computer system.

Accordingly, and in order to expedite prosecution of the subject application, independent claims 1, 22, 30 and 50 have been amended to further clarify the above features and recite: an agent processor (or agent processing means) receiving a customer selection of a desired business transaction conducted over the network with a particular provider processing system and customer

transaction information and processing information associated with a customer payment receivable in forms including at least one of cash and a check and manually tendered by a customer at a remote site to a service provider to pay for the customer selected transaction; a transaction processor (or transaction means) facilitating performance of the customer selected transaction in response to the manual tender of the customer payment; examining an accessed network site to determine information required by the accessed network site to conduct the customer selected transaction and transmitting an information request requesting a portion of the required information; and receiving the customer transaction information from the agent processor (or agent processing means) and transmitting the required information portion and payment information associated with the service provider to the particular provider processing system in order for the service provider to pay for the transaction in response to the manual tender of the customer payment indicated within the received customer transaction information.

The Nakamura et al. patent does not disclose, teach or suggest these features. Rather, the Nakamura et al. patent discloses a shop agent and customer agent generated at respective terminals for transmission to a virtual mall via a network. The virtual mall is an environment in which agents can be active. A shop terminal operated by a shop owner generates a shop agent that includes user interface means for supporting input from the user of product information, a product data area for storing product information and means for providing product information to a customer agent. The customer terminal is operated by a customer and generates the customer agent. The customer agent includes user interface means for inputting specifications for a desired product, a mechanism for holding a search request and an information acquisition means for transmitting the search request to the shop agent (e.g., See Column 4, lines 7 – 35). The virtual mall includes a manager for managing interaction between the agents. A message, such as a search request or product service message,

issued by one agent is transmitted via the manager to another agent (e.g., See Column 4, lines 36 – 42).

In operation, the shop terminal generates the shop agent and a user of the shop terminal inputs product information using the user interface means. When the input is completed, the product information is held in the product data area and the shop agent is transmitted to the virtual mall. The customer terminal generates the customer agent and a user of the customer terminal inputs search conditions using the user interface means. The customer agent is transmitted to the virtual mall where a received customer agent generates the message based on the search conditions and transmits it to the shop agent. The message is first transmitted to the manager, which in turn transmits the message to the shop agent. The shop agent extracts the search request from the message and finds a product that satisfies the condition from the product data area of the shop agent. The shop agent generates a message, including a product list and transmits it to the customer agent. The message is first transmitted to the manager which thereafter transmits the message to the customer agent (e.g., See Column 4, line 47 to Column 5, line 2). Thus, the Nakamura et al. patent discloses software agents communicating with each other within a virtual mall via a manager to facilitate performance of a product search. There is no disclosure, teaching or suggestion of a user manually tendering payment to a service provider at a remote site to conduct a business transaction over a network or, for that matter, the claimed features of: an agent processor (or agent processing means) processing information associated with a customer payment receivable in forms including at least one of cash and a check and manually tendered by a customer at a remote site to a service provider to pay for the customer selected transaction; a transaction processor (or transaction means) facilitating performance of the customer selected transaction in response to the manual tender of the customer payment; examining an accessed network site to determine information required by the accessed

network site to conduct the customer selected transaction and transmitting an information request to the agent processor (or agent processing means) requesting a portion of the required information; and receiving the customer transaction information from the agent processor (or agent processing means) and transmitting the required information portion and payment information associated with the service provider to a particular provider processing system in order for the service provider to pay for the transaction in response to the manual tender of the customer payment indicated within the received customer transaction information.

The Shwartz et al. publication does not compensate for the deficiencies of the Nakamura et al. patent and similarly does not disclose, teach or suggest these features. Rather, the Shwartz et al. publication discloses a secure private agent establishing a client relationship with a consumer and mediating communication between the consumer and electronic commerce sites (e.g., See Abstract). The consumer initially establishes a relationship with the secure private agent and provides a credit card number or a pre-paid card (e.g., See Paragraphs 0082, 0086 and 0095). The consumer logs into a system server (e.g., See Paragraphs 0098 and 0160), selects a merchant and accesses the corresponding electronic commerce site (e.g., See Paragraphs 0105, 0169 and 0170). The consumer follows the shopping procedure of the electronic commerce site and selects the accepted mode of payment (e.g., See Paragraphs 0106 and 0171). After authentication of, and approval of the transaction by, the consumer, the secure private agent sends the appropriate information replacing the credit card number of the consumer with an assigned identifier provided by the secure private agent (e.g., See Paragraphs 0111, 0182 - 0184 and 0187 - 0188).

Accordingly, there is no disclosure, teaching or suggestion of enabling users to tender payment manually (e.g., cash, check, etc.) at a remote site for transactions conducted over a network.

In fact, the Shwartz et al. publication discloses users registering with the system and utilizing credit

cards or pre-paid cards to conduct transactions, as opposed to processing payments receivable in at least one of cash and a check and manually tendered by a customer at a remote site to a service provider to conduct network transactions as recited in the claims.

Further, the Examiner merely utilizes the Shwartz et al. publication in order to allegedly provide the features of: requesting and receiving a portion of information required for the transaction from the agent processor; and transmitting the required information portion and payment information associated with a third party to a particular provider processing system to conduct the transaction. The Examiner takes the position that the claimed features of requesting and receiving required information are taught by the Shwartz et al. publication disclosing challenging the user and requesting user approval for the transaction. However, the Shwartz et al. publication discloses that the challenge and user approval are sent to the user by the secure private agent to verify the user as an authorized user of the system and to enable a user to confirm the transaction (e.g., See Paragraphs 0181 - 0185). Thus, the secure private agent sends the challenge and approval independent of the electronic commerce site. In other words, the challenge and confirmation are needed by the secure private agent to conduct the transaction, as opposed to being needed by the electronic commerce site as recited in the claims. Accordingly, the features of the Shwartz et al. publication relied upon by the Examiner do not disclose, teach or suggest the features of facilitating performance of the customer selected transaction in response to the manual tender of the customer payment, examining an accessed network site to determine information required by the accessed network site to conduct the customer selected transaction, transmitting an information request to the agent processor (or agent processing means) requesting a portion of the required information, and receiving the customer transaction information from the agent processor (or agent processing means) and transmitting the required information portion and payment information associated with the service provider to a

particular provider processing system in order for the service provider to pay for the transaction in response to the manual tender of the customer payment indicated within the received customer transaction information as recited in the claims.

Since the Nakamura et al. patent and Shwartz et al. publication do not disclose, teach or suggest, either alone or in combination, the features recited in independent claims 1, 22, 30 and 50 as discussed above, these claims are considered to be in condition for allowance.

Claims 2, 6 – 11, 17 – 21, 23 – 25, 27 – 29, 31, 35 – 40, 44, 46 – 49, 51 – 54 and 57 – 59 depend either directly or indirectly from independent claims 1, 22, 30 or 50 and, therefore, include all the limitations of their parent claims. These claims are considered to be in condition for allowance for substantially the same reasons as discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

In addition to the foregoing, there is no reason or motivation to combine the teachings of the Nakamura et al. patent and Shwartz et al. publication. In particular, the Nakamura et al. patent is directed toward managing communications between software agents within a virtual mall as described above. The Shwartz et al. publication is directed toward a secure private agent for facilitating electronic transactions without sharing certain consumer information with an electronic commerce site. Thus, the Nakamura et al. patent and Shwartz et al. publication are directed toward diverging applications and there is no apparent reason or motivation to combine their teachings other than prohibited hindsight derived from Applicants' own disclosure. Accordingly, the proposed combination of the Nakamura et al. patent and Shwartz et al. publication does not render the claimed invention obvious.

The Examiner has rejected claims 3, 4, 32 and 33 under 35 U.S.C. §103(a) as being unpatenable over the combination of the Nakamura et al. patent and Shwartz et al. publication and

further in view of U.S. Patent Application Publication No. 2001/0037311 (McCoy et al.). The Examiner takes the position that the Nakamura et al. patent discloses all the features within these claims except for the transaction processor further including a selection module to produce a list of transactions selectable by the customer for transference to the agent processor in response to verification by the verification module and the module including a connection module to process the customer selection and determine a network location of the particular provider processing system. The Examiner further alleges that the McCoy et al. publication discloses this feature and that it would have been obvious to combine the teachings of the combination of the Nakamura et al. patent and Schwartz et al. publication with the McCoy et al. publication to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 3, 4, 32 and 33 depend, either directly or indirectly, from independent claims 1 or 30 and, therefore, include all the limitations of their parent claims. As discussed above, the combination of the Nakamura et al. patent and Schwartz et al. publication does not disclose, teach or suggest each of the features recited within the independent claims. The McCoy et al. publication does not compensate for the deficiencies of the combination of the Nakamura et al. patent and Schwartz et al. publication. Rather, the McCoy et al. publication is directed toward a distributed architecture where each portion of published content may be divided into numerous small fragments and scattered amongst peer systems in the network. Retrieval of data may be accomplished by downloading the contents in parallel, locating a replica of an original fragment if a particular peer system serving the original fragment becomes overloaded or disconnected from the network (e.g., See Abstract). Further, since the McCoy et al. publication is directed toward content distribution which is substantially unrelated to the Nakamura et al. patent and Schwartz et al. publication, there is no apparent reason or motivation to combine their teachings other than prohibited hindsight derived from Applicants' own disclosure.

Since the combination of the Nakamura et al. patent and Shwartz et al. and McCoy et al. publications do not disclose, teach or suggest, either alone or in combination, the features recited in dependent claims 3, 4, 32 and 33 as discussed above, these claims are considered to be in condition for allowance.

The Examiner has rejected claims 5 and 34 under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nakamura et al. patent and the Shwartz et al. publication and further in view of U.S. Patent Application Publication No. 2003/0167392 (Fransdonk). The Examiner takes the position that the Nakamura et al. patent discloses all the features within these claims except for the processor including a site verification module to examine the accessed network site and verify that the accessed network site is associated with the customer selected transaction. The Examiner further alleges that the Fransdonk publication discloses this feature and that it would have been obvious to combine the teachings of the Fransdonk publication with the combination of the Nakamura et al. patent and Shwartz et al. publication to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 5 and 34 depend, either directly or indirectly, from independent claims 1 or 30 and, therefore, include all the limitations of their parent claims. As discussed above, the combination of the Nakamura et al. patent and Shwartz et al. publication does not disclose, teach or suggest each of the features recited within the independent claims. The Fransdonk publication does not compensate for the deficiencies of the combination of the Nakamura et al. patent and Shwartz et al. publication. Rather, the Fransdonk publication discloses a method and system to secure content for distribution via a communication network which commences when a user device authentication process is associated with content from a content provider. A copy-protected device authentication process is associated with the content. The user device authentication process and the copy-protected device authentication process are separate

authentication processes to protect the content from unauthorized access (e.g., See Abstract). Further, since the Fransdonk publication is directed toward protecting content for distribution from unauthorized access which is substantially unrelated to the Nakamura et al. patent and Shwartz et al. publication, there is no apparent reason or motivation to combine the teachings of the Fransdonk publication with the combination of the Nakamura et al. patent and Shwartz et al. publication other than prohibited hindsight derived from Applicants' own disclosure.

Since the Nakamura et al. patent, Shwartz et al. publication and Fransdonk publication do not disclose, teach or suggest, either alone or in combination, the features recited in claims 5 and 34 as discussed above, these claims are considered to be in condition for allowance.

The Examiner has rejected claims 12, 41 and 55 under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nakamura et al. patent and Shwartz et al. publication and further in view of U.S. Patent Application Publication No. 2003/0126067 (Seifert et al.). The Examiner takes the position that the Nakamura et al. patent discloses all the features within these claims except for a receipt module to process the confirmed transaction information received from the transaction processor in order to produce a transaction receipt and a printing device to generate the transaction receipt for the customer. The Examiner further alleges that the Seifert et al. publication discloses this feature and that it would have been obvious to combine the Seifert et al. publication with the combination of the Nakamura et al. patent and Shwartz et al. publication to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 12, 41 and 55 depend, either directly or indirectly, from independent claims 1, 30 or 50 and, therefore, include all the limitations of their parent claims. As discussed above, the combination of the Nakamura et al. patent and Shwartz et al. publication does not disclose, teach or suggest each of the features recited within the independent

claims. The Seifert et al. publication does not compensate for the deficiencies of the combination of the Nakamura et al. patent and Schwartz et al. publication. Rather, the Seifert et al. publication is directed toward systems and methods for performing financial transfers. In some instances, the methods include providing a staged transaction system that includes at least two stages. Quotes are accessed for the first and for the second stage of the transaction. One quote associated with a stage of the transaction is selected and used to consummate the financial transfer (e.g., See Abstract). Further, since the Seifert et al. publication is directed toward performing financial wire transfers which is substantially unrelated to the Nakamura et al. patent and Schwartz et al. publication, there is no apparent reason or motivation to combine the teachings of the Seifert et al. publication with the combination of the Nakamura et al. patent and Schwartz et al. publication other than prohibited hindsight derived from Applicants' own disclosure.

Since the Nakamura et al. patent, Schwartz et al. publication and Seifert et al. publication do not disclose, teach or suggest, either alone or in combination, the features recited in claims 12, 41 and 55 as discussed above, these claims are considered to be in condition for allowance.

The Examiner has rejected claims 13, 26, 42 and 56 under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nakamura et al. patent and Schwartz et al. publication and further in view of U.S. Patent Application Publication No. 2003/0069857 (Junda). The Examiner takes the position that the Nakamura et al. patent discloses all the features within these claims except for a plurality of agent processors or a transaction processor in communication with the agent processors. The Examiner further alleges that the Junda publication discloses this feature and that it would have been obvious to combine the Junda publication with the combination of the Nakamura et al. patent and Schwartz et al. publication to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 13, 26, 42 and 56 depend, either

directly or indirectly, from independent claims 1, 22, 30 or 50 and, therefore, include all the limitations of their parent claims. As discussed above, the combination of the Nakamura et al. patent and Shwartz et al. publication does not disclose, teach or suggest each of the features recited within the independent claims. The Junda publication does not compensate for the deficiencies of the Nakamura et al. patent and Shwartz et al. publication. Rather, the Junda publication discloses a system and method for allowing customers to make purchases and take delivery of goods or services with a desired level of security and confidentiality. The system and method enable a customer to effect a purchase and a delivery of goods or services from a merchant without revealing selected real user data to the merchant. In one embodiment, the system includes a proxy user data generator for generating proxy user data corresponding with selected real user data, a database for storing the selected real user data and the corresponding proxy user data and a purchase authorization request and reply router connectable to a network for routing purchase authorization requests and replies between a merchant and a purchase authorization entity (e.g., See Abstract). Further, since the Junda publication is directed toward providing proxy data for a user which is substantially unrelated to the Nakamura et al. patent, there is no apparent reason or motivation to combine the teachings of the Junda publication with the combination of the Nakamura et al. patent and Shwartz et al. publication other than prohibited hindsight derived from Applicants' own disclosure.

Since the Nakamura et al. patent, Shwartz et al. publication and Junda publication do not disclose, teach or suggest, either alone or in combination, the features recited in claims 13, 26, 42 and 56 as discussed above, these claims are considered to be in condition for allowance.

The Examiner has rejected claims 14, 16, 43 and 45 under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nakamura et al. patent and Shwartz et al. publication and further in view of U.S. Patent No. 5,983,204 (Debe). The Examiner takes the position that the

Nakamura et al. patent discloses all the features within these claims except for the agent processor including a scanner for scanning a customer item including the customer transaction information and transferring the customer transaction information relating to a corresponding customer payment from the customer item into the agent processor and the agent processor including a voice responsive device to receive voice signals and facilitate processing of the customer selected transaction and payment by the agent processor in response to the voice signals. The Examiner further alleges that the Debe patent discloses these features and that it would have been obvious to combine the teachings of the Debe patent with the combination of the Nakamura et al. patent and Schwartz et al. publication to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 14, 16, 43 and 45 depend, either directly or indirectly, from independent claims 1 or 30 and, therefore, include all the limitations of their parent claims. As discussed above, the combination of the Nakamura et al. patent and Schwartz et al. publication does not disclose, teach or suggest each of the features recited within the independent claims. The Debe patent does not compensate for the deficiencies of the Nakamura et al. patent and Schwartz et al. publication. Rather, the Debe patent is directed toward a data processing system for supporting a new financial instrument. The data processing system provides computer means for brokers and fund managers to effectuate all transactions pertaining to the new instrument and the creation of instrument certificates (e.g., See Abstract). Further, since the Debe patent is directed toward a data processing system that supports a new financial instrument which is substantially unrelated to the Nakamura et al. patent and Schwartz et al. publication, there is no apparent reason or motivation to combine the teachings of the Debe patent with the combination of the Nakamura et al. patent and Schwartz et al. publication other than prohibited hindsight derived from Applicants' own disclosure.

Since the Nakamura et al. patent, Shwartz et al. publication and Debe patent do not disclose, teach or suggest, either alone or in combination, the features recited in claims 14, 16, 43 and 45 as discussed above, these claims are considered to be in condition for allowance.

The Examiner has rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over the combination of the Nakamura et al. patent and Shwartz et al. publication and further in view of U.S. Patent Application Publication No. 2004/0143600 (Musgrove et al.). The Examiner takes the position that the Nakamura et al. patent discloses all the features within these claims except for a repeat customer to conduct a second transaction and tender a second payment and the agent processor including a data module to retrieve customer transaction information associated with a repeat customer and stored in response to a prior transaction to reduce entry of the customer transaction and facilitate processing of the second transaction. The Examiner further alleges that the Musgrove et al. publication discloses this feature and that it would have been obvious to combine the teachings of the Musgrove et al. publication with the combination of the Nakamura et al. patent and Shwartz et al. publication to attain the claimed invention.

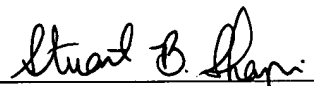
This rejection is respectfully traversed. Initially, claim 15 depends, either directly or indirectly, from independent claim 1 and, therefore, includes all the features recited in its parent claim. As discussed above, the combination of the Nakamura et al. patent and Shwartz et al. publication does not disclose, teach or suggest each of the features recited within the independent claims. The Musgrove et al. publication does not compensate for the deficiencies of the combination of the Nakamura et al. patent and Shwartz et al. publication. Rather, the Musgrove et al. publication is directed toward a method of creating a product catalog stored on computer readable media by aggregating product information from a plurality of product information sources having disparate formats for product information and storing the information in a taxonomy (e.g., See Paragraph

0010). Further, since the Musgrove et al. publication is directed toward creating a product catalog which is substantially unrelated to the Nakamura et al. patent and Schwartz et al. publication, there is no apparent reason or motivation to combine the teachings of the Musgrove et al. publication with the combination of the Nakamura et al. patent and Schwartz et al. publication other than prohibited hindsight derived from Applicants' own disclosure.

Since the Nakamura et al. patent, Schwartz et al. publication and Musgrove et al. publication do not disclose, teach or suggest, either alone or in combination, the features recited in claim 15 as discussed above, this claim is considered to be in condition for allowance.

The application, having been shown to overcome issues raised in the Office Action, is considered to be in condition for allowance and a Notice of Allowance is earnestly solicited.

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